

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.544 of 2019

In
CRIMINAL MISCELLANEOUS No.7119 of 2019

Arising Out of PS. Case No.-259 Year-2018 Thana- TRIVENIGANJ District- Supaul

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Jaldhar Yadav @ Jagdhar Yadav, Son of Bambholi Yadav, R/o village- Jagur,
P.S- Triveniganj, District- Supaul

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Karuna Kant Jha
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL JUDGMENT
Date : 10-05-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 16.08.2018 passed by learned Addl. District Judge-I,
Supaul in Triveniganj P.S. Case No. 259 of 2018 registered
under Section 376 of the Indian Penal Code and Section 3(1)(r)
2(va) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act.



Appellant is said to have committed rape against the informant on the way to cutting grass.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case. Informant is in habit of harassing villagers by filing case against them. The occurrence is said to be of 17.06.2018, but the F.I.R. has been lodged after inordinate delay on 03.07.2018 without assigning any explanation for the aforesaid delay. Medical report also does not corroborate the prosecution case. Appellant has been languishing in custody since 04.07.2018. Hence he may be enlarged on bail.

Learned Spl. PP for the State vehemently opposing this appeal submitted that there is direct allegation of committing sexual assault against the informant at the hand of the appellant. The victim in her statement recorded under Section 164 Cr.P.C. has corroborated the occurrence. Though the injury report does not corroborate the prosecution case but as the occurrence is of 17.06.2018 and the victim was examined after a long span of time on 10.07.2018, hence possibility of finding any sign of rape is very bleak.

In the facts and circumstances of the case, I am



not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected and this appeal is accordingly dismissed.

(Prakash Chandra Jaiswal, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
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